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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Madagascar

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

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Introduction

1. In accordance with Human Rights Council resolution 16/21 of 25 March 2011 and decision 17/119 of 17 June 2011, Madagascar presented its second report under the universal periodic review mechanism on 3 November 2014.

2. Following the review, Madagascar received 160 recommendations, of which it accepted 139 and partly accepted 21.

3. The 21 partly accepted recommendations were made by:

- Montenegro (5);
- Niger (7);
- South Africa (17);
- Ethiopia (59);
- Central African Republic (105);
- Ireland (124);
- Japan (125);
- Switzerland (127);
- Tunisia (128);
- Canada (129);
- Slovenia (130);
- Spain (132);
- Thailand (138);
- Germany (139);
- Italy (140);
- Mauritania (143 and 144);
- Norway (147);
- Tanzania (152);
- Costa Rica (155);
- Ghana (158).

4. In order to draw up this addendum report, Madagascar engaged in consultations with all stakeholders. The following replies reflect the views of the Government and the various ministries responsible for the implementation of the recommendations.

Replies by the Government of Madagascar regarding the recommendations partly accepted during the universal periodic review

5. Madagascar has examined the 21 partly accepted recommendations and taken a final position on each one.

Accepted recommendations

6. Madagascar has accepted recommendations 17, 59, 105, 127, 130, 132, 138, 139, 140, 143, 144, 147, 152 and 155 because it believes that it will be able to implement them, as they relate to programmes already under way or to areas of action included in the National Development Plan.

Partly accepted recommendations

7. Madagascar is not yet in a position to fully accept recommendations 7 and 158.

8. With regard to recommendation 7, concerning accession to all legal instruments to which the country is not yet a party, Madagascar intends, gradually and in due course, to ratify the instruments needed to improve the protection of human rights, taking into account the specific circumstances in the country.

9. Recommendation 158, on adapting the infrastructure of all public buildings to the needs of persons with disabilities, has been partly accepted in that, as a first step, all new school buildings will be equipped with such infrastructure. Because Madagascar has limited means, the process of equipping other new and existing public and private buildings will be a gradual one.

Noted recommendations

10. Madagascar has taken note of the following recommendations:

- Recommendation 124, on decriminalization of defamation, abolishment of insult laws and adoption of necessary measures to ensure, in law and in practice, a safe and enabling environment for journalists;
- Recommendation 125, on promotion and protection of freedom of expression and freedom of the press as outlined in the road map for ending the crisis;
- Recommendation 128, on efforts to be undertaken in order to provide a safe environment for journalists, human rights defenders and other civil society actors;
- Recommendation 129, on updating of the law on communication of 1990 and the Special Commission on Audiovisual Communication and the removal of restrictions on journalists' capacity to freely criticize the Government without fear of reprisal.

11. The Government will bear these recommendations in mind when finalizing the Communication Code amendment bill, which is expected to be adopted by the National Assembly during its regular session in May 2015.

Rejected recommendations

12. Madagascar has rejected recommendation 5, concerning ratification of the third Optional Protocol to the Convention on the Rights of the Child on the establishment of an individual communications procedure, because for the time being it is fully engaged in implementing the first two optional protocols — which it has already ratified — on prohibition of the sale of children, child prostitution and child pornography and on non-involvement of children in armed conflict.

13. The implementation of various recommendations aimed at eliminating the sale of children, child prostitution and child pornography requires a commitment followed by concrete action.

14. Madagascar intends to prioritize its actions to stop the sale of children, child prostitution and child pornography and to prevent the involvement of children in armed conflict through the implementation of the new Anti-trafficking Act, adopted by Parliament during its regular session in December 2014, which provides for the establishment of a permanent structure and the formulation and implementation of a national plan of action to combat trafficking.